

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

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**C/A No.: 24-6654  
U.S.D.C. #: 2:22-cv-03142-BHH**

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John Trenton Pendarvis.....Appellant,

vs.

Alan M. Wilson, Attorney General; Marck A. Keel, Chief of SLED; Hugh E. Weathers, Commission of South Carolina Department of Agriculture; L.C. Knight, Sheriff of Dorchester County Sheriff's Office; W. Jeffrey Young, Chief Deputy of South Carolina Attorney General's Office; Robert D. cook, Solicitor General; Emory Smith, Jr., Deputy Solicitor General; David S. Jones, Assistant Attorney General; T. Stephen Lynch, Deputy Attorney General; Harley L. Kirkland, Assistant Attorney General; Wesley Vorberger, Assistant Attorney General; Robert Kittle, Communications Director of SCAG; Adam L. Whitsett, General Counsel for SLED; Frank O'Neal, Major for SLEDs Narcotics, Alcohol and Vice services; Jason Wells, Captain for SLEDs Narcotics division; Glenn Wood, Lieutenant for SLED, John Neale, Agent/employee of SLED; Rhett Holden, Agent/employee of SLED; Alden G. Terry, General Counsel for DAG; Derek M. Underwood, Assistant Commissioner of DAGs Consumer Protection Division; J. Clint Leach, Assistant Commissioner of DAGs External Affairs & Economic Development Division; Aaron Wood, Assistant Commissioner of DAGs Agency Operations Division; John Stokes, Program Manager of DAGs Consumer Protection Division; Vanessa Elsalah, Coordinator of DAGs Hemp Program; Brittany Jeffcoat, Coordinator in DAGs Consumer Protection Division; Eva Moore, Communications Director for DAG; Ray Dixon, Captain for DCSO; Frank Thompson, Lieutenant for DCSO; Robert Krutak, Deputy Sheriff for DCSO; Jonathan Calore, Supervisory agent/employee; Charlie Scrubbs,

Agent/employee with the S.C. Forestry Commission; Wayne Eaddy,  
Agent/employee with the S.C. Forestry Commission,  
..... Appellees

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**MOTION TO FILE SEPARATE RESPONSIVE BRIEF**

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Appellees Alan M. Wilson, W. Jeffrey Young, Robert D. Cook, Emory Smith, Jr., David S. Jones, T. Stephen Lynch, Harley L. Kirkland, Wesley Vorberger, and Robert Kittle,<sup>1</sup> hereinafter referenced collectively as the “SCAG Appellees,” hereby respectfully move for leave to file a separate brief in this matter, for the following reasons:

The SCAG Appellees are the Attorney General of South Carolina Alan Wilson and current or former members of the staff. Respectfully, the SCAG Appellees (1) join in the responsive brief filed by the other appellees in this matter, and (2) due to complexity of the legal issues and the separate legal arguments related to immunity from suit due to their positions and duties with the Office of the South Carolina Attorney General, the SCAG Appellees have filed a separate brief to ensure the Court has a clear understanding of the distinct arguments and legal position,

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<sup>1</sup> These Appellees have been referenced collectively as the “SCAG Appellees” in the Joint Appendix.

pursuant to Fourth Circuit Local Rules 28(a) and 28(d). The SCAG Appellees request permission to file the separate brief.

The Appellant, and all other Appellees, have consented to this request.

Filing a separate brief will allow Alan M. Wilson, W. Jeffrey Young, Robert D. Cook, Emory Smith, Jr., David S. Jones, T. Stephen Lynch, Harley L. Kirkland, Wesley Vorberger, and Robert Kittle to address their specific concerns without unduly burdening other appellees from discussing defenses germane only to the SCAG Appellees, and highlight for the Court those defenses applying only to the SCAG Appellees in their role as members of the Office of the South Carolina Attorney General.

**WHEREFORE**, Alan M. Wilson, W. Jeffrey Young, Robert D. Cook, Emory Smith, Jr., David S. Jones, T. Stephen Lynch, Harley L. Kirkland, Wesley Vorberger, and Robert Kittle respectfully requests that the Court grant them leave to file a separate brief in this matter, consistent with the Court's rules and procedures.

Respectfully submitted,

Signature page to follow

RICHARDSON PLOWDEN & ROBINSON, P.A.

/s/ Eugene H. Matthews

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